

VILLAGE OF FLANAGAN
ORDINANCE NO. 24-10

AN ORDINANCE AMENDING SECTION 150.31-32 OF THE CODE OF FLANAGAN
AS TO BUILDING REGULATIONS, CONSTRUCTION

WHEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the VILLAGE OF FLANAGAN, Illinois, that CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION; SECTION 150.31-32 ENFORCEMENT of the *Code of Flanagan* is amended as follows:

Bold: added text

~~Strikethrough:~~ deleted text

§ 150.31 APPLICATIONS.

(A) All applications must be filed with the Village Zoning Board. Once it is determined that the application is complete, the Zoning Board will determine if all requirements have been met. For applications that meet the requirements of this section, the Zoning Board shall process these applications. For applications that do not meet the requirements of this section, the Zoning Board shall advise the applicant of the process for variations. A fee of \$35 shall be charged to the owner for each accepted **permanent pool or spa permit application**. **All temporary pools and spas shall be subject to an annual registration fee of \$5.** It shall be unlawful to erect, construct, reconstruct, enlarge, or structurally modify a permanent pool or spa without obtaining a permit.

(B) An accurate sketch showing the proposed location of the swimming pool or spa on the premises shall be furnished to the Zoning Board. The sketch shall show the location of any utility easements on the property if known, property dimensions, and the pool setback from property lines and structures. An aerial image can also demonstrate the pool's location but must include all information.

(1) *Barrier.* It is unlawful, within the village limits, for any person to maintain a swimming pool or spa that has a maximum depth of more than 24 inches of water unless the same is surrounded by a guard or fence not less than 48 inches in height, and spacing between vertical members shall not exceed four inches.

(2) *Gate and door latching requirements.* All gates or doors opening into the pools shall be equipped with self-closing and self-latching devices with locking provisions for keeping the gate or door securely closed at all times when not in actual use. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. A rigid wall or tube-supported pool with a pool depth of 48 inches or greater accessible only by a lockable ladder shall be exempt from this requirement. Also, a spa with a hard cover that encloses the entire surface is exempt from this requirement.

(3) *Setback requirements.* All permanent pools and spas must only be located in the rear yard. No swimming pool or spa portion outside a building shall be located less than five feet (5') from the rear lot line and not within the owner's lot side yard setback area. Swimming pools and spas must be located at least ten feet away from overhead electrical lines' horizontal clearance. Swimming pools and spas must be located at least five feet away from underground electrical lines' horizontal clearance.

(4) *Swimming pool replacement.* It shall be unlawful for the owner, occupant, or person in custody of any premises in the village having a swimming pool thereon to permit such pool to exist in a state or condition which is liable to cause injury to any person or

property, or which is liable to collapse, or which infringes upon or cannot fulfill the functions of a swimming pool.

(5) *Improvement of non-conforming enclosures.* The owners of all pools in existence, on or before the effective date of the ordinance from which this subchapter is derived, who have a guard or fence enclosure less than three feet in height or not otherwise in compliance with this subchapter, shall cause said improvements and additions to be carried out over a period not to exceed six months from the effective date of the subchapter to comply with the requirements of this subchapter; provided, however, that whenever any guard, fence, or enclosure, as described in this section, is replaced, it shall fully comply with the minimum 48-inch height requirement set.

(6) *Utility statement variations.* The homeowner's utility account will receive a credit equal to the swimming pool's or spa's total volume in gallons once a year. When calculating a homeowner's credit amount, a rate of \$2.95 for every 1,000 gallons, or fraction thereof, shall be used.

(7) *Temporary swimming pool and spa registration form.* All temporary swimming pools and spas must pass an annual inspection conducted by the village.

(8) *Renter submission.* Renters must obtain written permission from the property owner to put any swimming pool or spa on the property submitted to the village.

(9) *Variations.* The Village Board may authorize variations from the provisions of this subchapter.

(Ord. 2023-03, passed 4-18-2023) Penalty, see § [150.99](#)

§ 150.32 POOL REGISTRATION.

Swimming Pool **and Spa Permit Application** and Registration Form
(For Swimming Pools **greater than 24 inches or greater** in depth)

Date: _____

Applicant Name(s): _____

Property Address: _____

Applicant's Phone: _____

Property Owner's Name(s): _____

Property Owner's Phone: _____

Property Owner's Address:

Renters must submit a letter from the property owner granting permission for pool installation on the property.

Size of Pool: Length _____ Width _____
Depth _____ Gallons _____

Type of Pool (Select One): ___ Inflatable ? ___ PVC ___ Other (Please explain _____)

Does the pool require electrical or have a pump? ? ___ Yes ? ___ No

Is the pool equipment ___ New ___ Used (How old: _____)

Will the ground/slope be modified for the pool? ?___ Yes ?___ No (If yes, please explain _____)

Does the property have an existing fence? ?___ Yes ?___ No Height of existing fence: _____

Does the existing barrier/fencing meet the minimum barrier/fencing requirements listed below? ?___ Yes ___ No

2021 International Property Maintenance Code(2021 IPMC) Barrier Requirements:

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Applicant Acknowledgment Section:

Read the statements below, initial on the line and complete:

_____ I have read and reviewed the included and attached regulations regarding Seasonal/Temporary Pools and agree to comply with the attached regulations. I further understand that I am responsible for complying with all applicable federal, state, and local laws and regulations.

_____ I understand that this registration will be renewable annually and, therefore, will expire November 1st of the current year.

_____ I grant the Village of Flanagan the right of entry for the purpose of inspecting compliance with the Village Code

Applicant Signature: _____ Date: _____

Minimum Pool Requirements:

1.) The 2021 International Property Maintenance Code (2021 IPMC), which has been adopted by the Village of Flanagan, requires private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth to be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool.

2.) Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates

shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost.

- 3.) No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
- 4.) Pool must be located in the rear yard only.
- 5.) Pool must be located at least 10 feet away from overhead electrical lines-horizontal clearance.
- 6.) Pool must be located at least 5 feet away from underground electrical lines-horizontal clearance.
- 7.) Stagnant water is not allowed; all pools must be maintained.
- 8.) Registration is not required for inflatable or movable pools less than 24 inches in depth.
- 9.) Pool must be placed at least 5 feet from the rear lot line and not within the side yard setback area for your lot.
- 10.) Separate permits are required for new construction of barrier/fences. Temporary fences and/or barriers will not meet the fencing/barrier requirements.

What do I need to submit in order to register my temporary/seasonal pool?

Along with a completed Pool Registration form, please provide a site plan or plat of survey showing the approximate placement of the pool. Also, if you are renting the property, please submit a letter from the property owner granting permission for pool installation on the property in addition to the other items required.

Is there any a fee to register my pool?

Yes, there is a required annual fee of \$35 to register a permanent pool or spa in the Village of Flanagan. **Temporary pools or spas require an annual registration fee of \$5.**

Are there benefits to registering my pool?

Yes, along with the required registration, your water/sewer account will receive a credit equal to ~~double~~ the total size (in gallons) of your registered pool **or spa**. ~~The current sewer rate after the first 1000 gallons is used to calculate your credit amount.~~ **When calculating a homeowner's credit amount, a rate of \$2.95 for every 1,000 gallons, or fraction thereof, shall be used.**

Do I need an inspection of my pool?

The Village of Flanagan will complete a brief scheduled inspection of the property to confirm the existence of the barrier/fence (if required). The property owner/resident/applicant doesn't need to be home for this inspection. If there is an issue with the barrier or with your pool registration, you will be notified by the Village of Flanagan.

Do I need to contact or get approval from any other agencies?

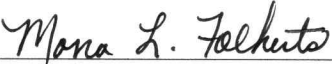
Other agencies which may have an interest in your pool installation include utility companies, such as natural gas, cable, telephone, and electrical, due to the presence and maintenance of easements. In addition, subdivision homeowner's associations (HOA's) may prohibit or require architectural reviews, approvals, or increased setbacks for pools depending upon what is written in the HOA's Covenants and Restrictions. If your subdivision has an Association, it's always a good idea to check with the association prior to the installation of anything on your property.

Passed and approved this 18th day of June 2024.

VILLAGE OF FLANAGAN

By  _____
President

Attest:

By  _____
Clerk